

NEBRASKA DEPARTMENT OF REVENUE, PROPERTY ASSESSMENT DIVISION

TITLE 350, CH. 17 – REPORTS AND OPINION REGULATIONS

TITLE 350, CH. 93 – TAX EQUALIZATION AND REVIEW COMMISSION  
ORDER COMPLIANCE AUDIT (REPEALED)

EXPLANATORY STATEMENT

**Overview** - *This Chapter has been updated and streamlined to 1) modernize and simplify language, 2) focus the regulation on the mechanics of the Department's role in producing the Report and Opinion, and 3) reorganize the guidance that is provided as follows: the study period explanations were moved to Title 350 Neb. Rev. Code Chapter 12 – Sales File Regulations; Directive 09-1 Real Property Abstract of Assessment Extension Procedure is incorporated; and existing Title 350 Neb. Rev. Code Ch. 93 –Tax Equalization and Review Commission Order Compliance Audit Regulations is incorporated as section 006.*

*All other changes are meant to enhance the readability of the chapter and have been made to create a more efficient and effective process for the county assessor and the Property Assessment Division, including reducing the overall complexity of the regulations.*

*The process and procedures detailed in 350 Neb. Admin. Code 93 ---Tax Equalization and Review Commission Order Compliance Audit will become unnecessary with the promulgation of 350 Neb. Admin. Code 17 as submitted. This regulation proposal would repeal all of Title 350 Neb. Admin. Code, Ch. 93.*

**Detailed Summary:**

REG-17-001 PURPOSE – The only substantive change to this section specifically references the most current version of the Standard on Ratio Studies, rather than the 2010 version.

REG-17-002 DEFINITIONS – The changes to this regulation strike the definition of special value and preliminary statistical report; and inserts the definitions for qualified sale, PTA, Report and Opinion, representative sample, Tax Commissioner and the Tax Equalization and Review Commission. The definitions would be updated to be more reader friendly and to match the exhibit yearly submitted during Statewide Equalization to the Tax Equalization and Review Commission, commonly referred to as Exhibit 94. This exhibit contains an explanation of what the state sales file queries create and a glossary of terms. Changes to this section were made to align with this exhibit.

REG-17-003 PROCEDURES – Current Reg-003 would be mostly eliminated, but several sections would be absorbed into the new Reg-003, entitled “Report and Opinion” to better reflect the chronological order of the process. This change will produce a more understandable process for the county assessors. Four sections were retained in the new Reg-003:

1. § 003.02 was moved to the new § 003.07

2. § 003.03 was moved to the new § 003.03
3. § 003.04 was moved to the new § 003.11 and
4. § 003.05 was moved to the new § 003.01

REG-17-003 REPORT AND OPINION– In order to more clearly reflect the chronological order of duties parts of the former “Procedures” regulation was moved to this regulation.

Current standards for study periods were moved from 350 Neb. Admin. Code Ch. 12 to this regulation where it is more appropriate. The language was modernized and clarified.

REG-17-004 OPINION - There are only slight changes to the wording in this section, such as using the abbreviation PTA instead of Property Tax Administrator to make the reading clear and concise. The preferred measure of central tendency (the median) was removed because the Report and Opinion provides all statistical measures and it is the TERC that determines whether an adjustment should be made based on the entirety of the statistical record.

REG-17-005 DIVISION CORRECTIONS AND AMENDMENTS –The changes to this regulation more accurately describe the current process for challenging the Report and Opinion. Changes to the Report and Opinion only occur when the county assessor demonstrates that something is flawed and an order from the TERC. These demonstrations may include clerical errors. If the TERC orders a change, the PTA provides a supplement to the Report and Opinion.

REG-17-006 TAX EQUALIZATION AND REVIEW COMMISSION ORDER COMPLIANCE AUDIT – This new regulation places the current content of 350 Neb. Admin. Code, Ch. 93 (with the same name) into Chapter 17. The content is unchanged, except that the definitions, which largely duplicate regulation 2 of this chapter, are omitted.

Essentially, this regulation requires the county assessors to implement orders of the Tax Equalization and Review Commission (TERC) and recertify the abstract on or before June 5 of each year. The Property Tax Administrator must audit any county that was issued orders by the TERC to determine if the orders were followed, the adjustments were made, and the affected taxpayers notified by August 1. The Property Tax Administrator is also required to certify to the TERC if any orders were not implemented. All of this is in the current regulations.